

**Special Education Advisory Panel**  
**September 25, 2003**  
**Truman Building, Room 500**

**Members Present:**

Kent Kolaga  
Pam Walls  
Melodie Friedebach  
Dan Colgan

Richard Staley  
Mike Hanrahan  
Pat Jackson  
Lynda Roberts

Trish Grassa  
Cathy Meyer  
Barbara Scheidegger  
Joan Zavitsky

**DESE Staff Present:**

Debby Parsons

**Members Not Present:**

Dennis Gragg  
Eileen Huth  
Sandra Levels  
Scott Mantooth

Deana O'Brien  
Eric Remelius  
Joe Sartorius  
Patti Simcosky

Dennis Von Allmen  
Stephen Viola  
Ray Wicks

**Call to Order/Introductions** – Kent Kolaga called the meeting to order at 1:00 p.m.

**Approval of the Minutes** - Kent Kolaga asked for clarification of the motion made by Dennis Von Allmen on the second day of the last Panel meeting under the Public Comment section. Panel members were unsure as to the exact wording needed. Pam Walls made a motion to postpone approval of the June minutes until clarification is received from Dennis Von Allmen. Kent will email Dennis for clarification. Motion was seconded by Mike Hanrahan. Motion passed.

**Public Comment Section** - No public comments.

**Formal Recommendation Review/Update** - Kent Kolaga indicated that the Panel has received DESE responses on Formal Recommendations #3, #6, and #7.

Pam Walls asked for additional clarification on DESE's response to #6. Melodie Friedebach indicated that each district determines what the average cost is to educate all students in their district. If a student exceeds that average, the district can outline those additional costs needed and then submit to DESE. DESE reviews this information and determines reimbursement. For additional information go to the following website:

[http://dese.mo.gov/divspeced/Finance/Special\\_Purpose\\_Funds.html](http://dese.mo.gov/divspeced/Finance/Special_Purpose_Funds.html).

Dan Colgan indicated that it was his understanding that if there was a reduction in state funds to the state operated programs and the state operated schools were closed, that the Panel would advocate to have funds transferred to the local schools to assist in educating those children. Dan also mentioned that the purpose of the formal recommendation was to formulate a recommendation from the Panel that would assume that children in state operated programs would receive the same services as students in public schools if their schools were to close.

Dan Colgan made a motion to accept DESE's recommendations. Motion was seconded by Melodie Friedebach. Kent Kolaga indicated his concerns that the Panel is not in compliance with federal law due to the current vacancies and handed out a summary of membership for the Panel to review. The Panel is made up of thirty-one members and by federal regulations, a majority of the members must be parents or persons with a disability. At present, there are five vacancies in the parents or persons with a disability category, which means that there are eleven active persons in this category. There are three vacancies in other categories, with a total of twenty-three active Panel members. The eleven parents and persons with a disability do not constitute a majority.

Melodie Friedebach indicated that the process to determine recommendations for Panel members was recently revised by the Panel to have the Nominations Subcommittee review the nominations and make recommendations to DESE and that this has slowed the process of appointments. She also felt that OSEP would not have a problem with the Panel meeting and conducting business while in the process of filling vacancies.

Debby Parsons mentioned that the Nominations Subcommittee did submit recommendations but only recommended one person per category. The subcommittee did not realize that they were to nominate more than one name.

Kent mentioned that he also felt it was the subcommittee's responsibility to review nominations but that they were to also do active recruitment by putting together information packets.

Melodie Friedebach asked if the Panel felt that the Commissioner of Education could make appointments outside of those recommended by the Panel.

Kent felt that, yes, the Commissioner could do this. Kent indicated that he did not want to have controversial issues passed without the Panel being properly appointed.

Dan Colgan pointed out that the Panel is advisory in nature and is not in the position of establishing rules and regulations.

An offer was made by Kent Kolaga to step down and have the Panel appoint an acting Chair. Instead, the motion to finalize the formal recommendations was withdrawn. There was discussion that if the Panel was in violation of federal law, then perhaps there should be adjournment and no business conducted.

Dan Colgan made a motion that Formal Recommendation #7 be considered done. Pam Walls seconded the motion. Motion passed.

Dan Colgan made a motion that Formal Recommendation #6 be considered done. Lynda Roberts seconded the motion. Motion passed.

Dan Colgan made a motion that Formal Recommendation #3 be considered done. Pat Jackson seconded the motion. Kent Kolaga indicated that he is calling into question the legitimacy of the Panel if Formal Recommendation #3 is to be considered. Dan Colgan indicated that he felt that if the Panel could not do business because of the membership vacancies for Formal Recommendation #3, then that would be true for all business and there was no need to continue the meeting. Kent Kolaga offered to step aside and have the Panel appoint a temporary chair so he could make a motion to table Formal Recommendation #3. Dan Colgan withdrew his motion for Formal Recommendation #3. Dan Colgan made a motion to adjourn the meeting. Richard Staley seconded the motion. Motion passed. Meeting was adjourned at 2:00 p.m.

Subcommittees were informed they could meet following adjournment of the Panel meeting. The Nominations Subcommittee met to recommend names to DESE for filling the vacancies. The Monitoring Subcommittee met and will meet again via conference call on October 31. The Evaluation Subcommittee met and is working on, with Mike Hanrahan, the Special Education Advisory Panel Annual Report. The draft is in the process of review through email. The Rules and Regulations Subcommittee did not meet.